



Entered on Docket  
September 23, 2011

A handwritten signature in black ink, appearing to read "R. B." followed by a stylized signature.

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Eleventh Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Part Upon Investment In  
The Gess Loan**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Eleventh Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Gess Loan," ("Gess Loan") [DE 8640] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the

1 Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the  
2 borrower or from the collateral securing the Gess Loan; and good cause appearing:

3 **IT IS ORDERED** that:

4 1. The Objection [DE 8640] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are disallowed to the extent those  
6 claims are based upon an investment in the Gess Loan.

7  
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9  
10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)  
12 Robert M. Charles, Jr.  
13 John Hinderaker (*pro hac vice*)  
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18  
19 *Attorneys for USACM Liquidating Trust*

## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:

LEWIS AND ROCA LLP

By: /s/ *John Hinderaker*, (AZ #018024)

Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
6425 Gess, Ltd.  
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the 6425 Gess, LTD Loan
10725-01955	1/10/2007	Small Family Trust	Richard & Jacquelin Small Ttees 4801 Calle Santa Cruze Prescott Valley Az 86314	703,134.00	50,000.00
10725-01996	1/10/2007	Stark Family Trust Dtd 4/2/84	Rolaind L Stark Tee 10905 Clarion Ln Las Vegas, NV 89134	198,268.14	50,000.00
10725-02106	1/11/2007	T-2 Enterprises Llc	Manager Warren W Tripp 250 Greg St Sparks, NV 89431	811,713.52	50,000.00
10725-02107	1/11/2007	T-3 Enterprises Llc	Manager Warren W Tripp 250 Greg St Sparks, NV 89431 Po Box 96331 Las Vegas, NV 89193-6331	608,440.76	50,000.00
10725-00603	10/16/2006	Teriano, Fred	Terry Helms 809 Upland Blvd Las Vegas, NV 89107-3719	165,000.00	75,000.00
10725-02291	1/12/2007	Terry R Helms Living Trust Dtd 11/11/94	Terry Helms 809 Upland Blvd Las Vegas, NV 89107-3719	11,155,754.80	1,000,000.00
10725-02103	1/11/2007	Tripp Enterprises Inc A Nevada Corp	Warren W Tripp 250 Greg St Sparks, NV 89431	980,535.84	100,000.00
10725-02105	1/11/2007	Tripp Enterprises Inc Restated Profit Sharing Plan	Warren W Tripp Tee 250 Greg St Sparks, NV 89431 250 Greg St Sparks, NV 89431	875,670.12	100,000.00
10725-02104	1/11/2007	Tripp, Warren W	Carmel & Rudolf Winkler Trustee 10000 Rossbury Pl Los Angeles, CA 90064	1,183,402.50	100,000.00
10725-02279	1/12/2007	Winkler Family Trust Dtd 3/13/86	1,210,635.98	100,000.00	

**EXHIBIT A**

2418603.1